

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>05-432</u>
v.	:	DATE FILED: _____
SERGIO VELAZQUEZ	:	VIOLATIONS:
NELKIS GUTIERREZ-GAINZA	:	21 U.S.C. § 846 (conspiracy to distribute
PEDRO CURIEL	:	and possess with intent to distribute 5
	:	kilograms or more of cocaine
	:	- 1 count)
	:	21 U.S.C. § 841(a)(1) (distribution of
	:	5 kilograms or more of cocaine - 1 count)
	:	21 U.S.C. § 841(a)(1) (possession with
	:	intent to distribute 5 kilograms or more of
	:	cocaine - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
		Notice of forfeiture

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From on or about July 3, 2005 to on or about July 27, 2005, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**SERGIO VELAZQUEZ,
NELKIS GUTIERREZ-GAINZA and
PEDRO CURIEL**

conspired and agreed, with others known and unknown to the grand jury, to knowingly and intentionally distribute, and possess with intent to distribute, 5 kilograms or more of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendant **SERGIO VELAZQUEZ** told a person known to the grand jury that he would supply him with 10 kilograms of cocaine at a price of \$19,500 per kilogram and arrange transportation of the cocaine from California to Philadelphia for delivery.

3. Defendant **SERGIO VELAZQUEZ** further agreed that defendant **PEDRO CURIEL** would receive the transported cocaine in Philadelphia and arrange for its delivery to a person known to the grand jury in Philadelphia.

4. Defendant **NELKIS GUTIERREZ-GAINZA** drove the cocaine from California to Philadelphia in a tractor trailer.

OVERT ACTS

In furtherance of the conspiracy, the defendants, and others known and unknown to the grand jury, committed the following overt acts, among others, in Philadelphia, in the Eastern District of Pennsylvania:

1. In or about early July 2005, defendants **SERGIO VELAZQUEZ** and **PEDRO CURIEL** traveled to Philadelphia, met with a person known to the grand jury and agreed to supply the individual with 10 kilograms of cocaine at a cost of \$19,500 per kilogram and to arrange transportation of the cocaine from California to Philadelphia, Pennsylvania.

2. On or about July 5, 2005, defendants **SERGIO VELAZQUEZ** and **PEDRO CURIEL** requested that a person known to the grand jury direct them to a truck stop in Philadelphia that had easy access to Interstate Highway 95 where a tractor trailer could park in order to offload 10 kilograms of cocaine.

3. On or about July 5, 2005, defendant SERGIO VELAZQUEZ advised a person known to the grand jury that defendant PEDRO CURIEL would be present in Philadelphia at the designated truck stop to receive delivery of the 10 kilograms of cocaine and that defendant CURIEL would complete the delivery of the cocaine to the person known to the grand jury.

4. On or about July 24, and July 25, 2005, defendant SERGIO VELAZQUEZ telephonically contacted a person known to the grand jury and advised that defendant PEDRO CURIEL would arrive in Philadelphia in the early morning hours of July 26, 2005 and would be renting a vehicle from Hertz.

5. On or about July 26, 2005, during a meeting at 9th and Washington Streets, in Philadelphia, defendant PEDRO CURIEL advised a person known to the grand jury that the cocaine would be arriving in Philadelphia via tractor-trailer on July 27, 2005 in the evening, and made arrangements to meet with the person known to the grand jury the following day.

6. On or about July 27, 2005, defendant PEDRO CURIEL and a person known to the grand jury met in Philadelphia, where defendant CURIEL advised that the cocaine would be arriving that evening.

7. On or about July 27, 2005, defendant PEDRO CURIEL drove a white Ford Escape to the Walt Whitman Truck Stop in Philadelphia, where he met with defendant NELKIS GUTIERREZ-GAINZA, and a person known to the grand jury, both of whom were standing in front of a tractor trailer.

8. On or about July 27, 2005, defendant NELKIS GUTIERREZ-GAINZA, the driver of the tractor trailer, placed a knapsack containing approximately 9 kilograms of

cocaine inside of the white Ford Escape operated by defendant PEDRO CURIEL, and defendant CURIEL drove from the truck stop parking lot.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 27, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**SERGIO VELAZQUEZ and
NELKIS GUTIERREZ-GAINZA**

knowingly and intentionally distributed, and aided and abetted the distribution of, 5 kilograms or more, that is, approximately 9 kilograms, of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 27, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

PEDRO CUIEL

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, 5 kilograms or more, that is, approximately 9 kilograms, of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1), set forth in this indictment, defendants

**SERGIO VELAZQUEZ,
NELKIS GUTIERREZ-GAINZA and
PEDRO CURIEL**

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including but not be limited to one 1999 Freightliner tractor, VIN 1FUYSSEB1XP962367, California License Plate, UP59130, registered owner: NELKIS GUTIERREZ-GAINZA, seized from the Walt Whitman truck stop on Lawrence Street, Philadelphia Pennsylvania on July 27, 2005; and

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses.

2. If any of the property, subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney